

Exhibit 199

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VALSARTAN, LOSARTAN, AND
IRBESARTAN PRODUCTS LIABILITY
LITIGATION

No. 1:19-md-2875-RBK
Hon. Robert Kugler

**DECLARATION OF CONLEE S. WHITELEY IN SUPPORT OF APPOINTMENT AS
CLASS COUNSEL FOR THE CONSUMER CLASS**

I, Conlee S. Whiteley declare:

1. I have personal knowledge of the matters set forth herein, and if called to testify thereto, I could and would do so competently.
2. The Proposed Consumer Class Representatives are represented by qualified counsel with extensive experience and expertise. Should this proceeding be certified as a class action under Fed. R. Civ. P. 23, Consumer Class Plaintiffs' counsel here, which include John R. Davis, Ruben Honik, and undersigned, are qualified and competent class action litigators, well-positioned to litigate these actions as class actions on behalf of the proposed classes.
3. I am the managing member of Kanner & Whiteley, L.L.C. and have been involved in the firm's complex litigation practice for over twenty-five years. I have successfully handled national, regional and state-wide class actions throughout the United States in both state and federal courts.
4. I have served as lead counsel along with Ruben Honik, Daniel Nigh and Adam

Slater since appointed to serve in this position in May of 2019 and have worked on all aspects of the litigation with particular attention to the class claims. *In re Valsartan, Losartan and Irbesartan Products Liability Litigation*, 1:19-md-02875-RBK-KMW (MDL No. 2875).

5. I have also been appointed to the Plaintiffs' Steering Committee in *In re Zantac (Ranitidine) Products Liability Litigation*, 9:20-md-02924-RLR, MDL No. 2924, where I serve on the Class Action Committee and chair the Class Discovery Committee. I currently serve as Co-Lead Counsel in *In re Intuniv Antitrust Litigation*, Case No. 1:16-cv-12396-ADB (D. Mass) on behalf of the Indirect Purchaser Settlement Class (Preliminary Approval August 11, 2021; Fairness Hearing scheduled December 1, 2021). I previously served as Co-Lead Counsel in *Monica Barba v. Shire U.S. Inc.*, Case No. 1:13-cv-21158 (S.D. Fla. 2013). (Class litigation and settlement on behalf of a 35-state class of indirect purchasers); *Paul v. Wine.com, Inc.*, No. 13-534734 (Cal. Sup. Ct. 2013) (Co-Lead counsel in consumer fraud action); *In re Budeprion XL Marketing & Sales Litig.*, MDL No. 2107 (E.D. Pa. 2012) (Pharmaceutical national class action); *Ralph Shaffer v. Cont'l Casualty Co., et al.*, No. 06-2335 (C.D. Cal. 2009) (Long term care insurance fraud national class action settlement); *Jorgenson v. Agway*, No. A3-00-59 (D.N.D. 2002)(Co-Lead counsel in product liability action on behalf of 90 Sunflower Growers in North Dakota and South Dakota); *Milkman v. American Travelers Life Ins. Co.*, No. 03775, (Court of Common Pleas of Philadelphia County, Pa., 2002) (Long term care insurance fraud national class action settlement); *Hanson v. Acceleration Life Ins. Co., et al.*, Civ. No. A3:97-152 (D.N.D. 1999) (Long Term Care insurance fraud national class action settlement); *Tompkins, et al. v. BASF Corporation, et al.*, Civ. No. 96-59 (Trail County, N.D. 1997) (Agricultural product label class action); and *Ren-Dan Farms v. Monsanto*, No. 68,466 (10th J.D.C. Natchitoches, LA 1997) (Genetically modified cotton seed class action).

6. I have significant experience in various complex actions against pharmaceutical companies including these actions in which I have served as lead or co-lead counsel: *State of Louisiana v. GlaxoSmithKline*, No. 59533 (La. 19th J.D.C. Parish of East Baton Rouge 2011) (Co-Lead counsel for State of Louisiana in *parens patriae* action involving fraudulent marketing of Avandia® resulting in the largest single defendant pharmaceutical settlement on behalf of Louisiana); *State of Louisiana, ex rel., James D. "Buddy" Caldwell v. Endo Pharmaceuticals, Inc. et al.*, Civil Action No. 3:13-cv-701-JJB-RLB (M.D. La.) (Lead counsel for the State of Louisiana in an action involving the fraudulent marketing of Lidoderm®); *State of Louisiana ex rel., James D. "Buddy" Caldwell v. Shire, PLC, et al.*, Civ. Case No. 3:13-cv-543 (M.D.La.)(Lead counsel for State of Louisiana in multi-drug action); and *Caldwell ex rel. State of Louisiana v. Abbott Labs.*, No. 603091 (La. 19th J.D.C. Parish of Easton Baton Rouge 2011) (Co-lead counsel for the State of Louisiana in *parens patriae* action involving fraudulent marketing of Depakote®, resulting in a multi-million dollar settlement for the State).


7. Kanner & Whiteley also has substantial trial experience in a number of cases, including: *N.J. Dep't. of Env'tl. Protection v. Exxon Mobil Corp.*, Nos. UNN-L-3026-04, UNN-L-1650-05, Decision Approving Proposed Consent Judgment (N.J. Super. Ct. Law Div. Aug. 25, 2015) (Hogan, J.) (Lead counsel in eight-month trial against Exxon Mobil as special counsel to State of New Jersey ultimately resulting in the largest single defendant natural resource damages settlement in New Jersey history); and *In re Oil Spill by Oil Rig Deepwater Horizon in Gulf of Mexico on Apr. 20, 2010*, (MDL 2179), 21 F. Supp. 3d 657 (E.D. La. 2014) (Lead counsel on behalf of Louisiana during Phase 1 of Deepwater Horizon trial); and *In re Oil Spill by Oil Rig Deepwater Horizon in Gulf of Mexico on Apr. 20, 2010*, MDL No. 2179, Nos. 10-2771, 10-4536, 2017 WL 11109299 (E.D. La. Sep. 11, 2013) (Lead counsel on behalf of

State of Louisiana during Phase 2 of same trial) (Phase 1 and Phase 2 trial resulting in the largest single defendant natural resource damages settlement in history). The firm has also tried class actions to verdict. *See, Bonilla v. Trebol Motors Corp., et al.*, No. 92-1795 (D.P.R. 1996) (RICO class action tried to verdict involving vehicle mislabeling and tax fraud).

8. As important for the current litigation, I work directly with a team of very qualified class action attorneys, including Layne A. Hilton and David J. Stanoch, who have been involved in every aspect of this MDL. Each have leadership roles within the current leadership structure, serve in an essential role in this litigation, including in the drafting of the consumer class certification brief along with John R. Davis, and each have participated in all aspects of class discovery.

9. Proposed Co-Lead Counsel for the Economic Loss Consumer Class, John R. Davis, Ruben Honik and I have worked together for many years in multiple class cases. As a team, along with those within our firms, we have and will faithfully represent the class plaintiffs and putative class members in this litigation. We are each experienced in handling class actions, other complex litigation and claims of the type asserted in this action and we will bring this experience and diligence to bear in representing the proposed classes through certification, class notice, and ultimate resolution through settlement, trial or appeal.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed in New Orleans, Louisiana, this 8th day of November, 2021.


Conlee S. Whiteley